

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

DWAYNE ALEXANDER

CIVIL ACTION

VERSUS

NO. 09-4614

CANNON COCHRAN MANAGEMENT
SERVICES, INC., D/B/A CCMSI, ET AL.

SECTION "N" (1)

ORDER AND REASONS

Regarding certain pending motions, the Court rules as follows:

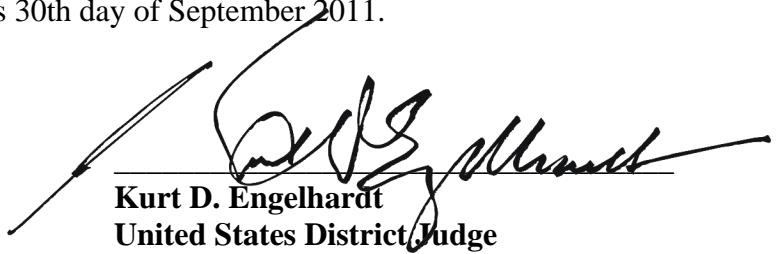
IT IS ORDERED that Plaintiff's motion to withdraw (Rec. Doc. 108) his motion to consolidate (Rec Doc. 58) is **GRANTED**. Additionally, on the showing made, Defendant's request that this order be conditioned upon Plaintiff's payment of the fees and costs incurred by it in opposing the motion to consolidate (Rec. Doc. 109) is denied. Although the merit and significance of the motion to consolidate may have been reasonably debated, the Court, on the showing made, does not find it to have been frivolous.

IT IS FURTHER ORDERED that, on the showing made, Defendant's motion to strike (Rec. Doc. 76) certain memoranda filed by Plaintiff is **DENIED**. Additionally, Defendant's request for expedited consideration (Rec. Doc. 75) of the motion to strike is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that Defendant's motion for review (Rec. Doc. 78) is **DENIED** to the extent that it asks the Court to set aside certain rulings made by Magistrate Judge Shushan (Rec. Doc. 77). Defendant's request regarding the production of credit card and cell phone

records by individuals Jerry Armatis and Carl Ayestas is now moot by virtue of the Magistrate Judge's subsequent ruling (Rec. Doc. 92) vacating that portion of the earlier ruling. With respect to the second matter appealed by Defendant, the denial of its motion to strike a reply brief filed by Plaintiff, the Court finds the Magistrate Judge's ruling to be neither clearly erroneous nor contrary to law.

New Orleans, Louisiana, this 30th day of September 2011.



Kurt D. Engelhardt
United States District Judge